Hello Deborah,

I was surprised to receive your offer of settlement this afternoon (please note that I am writing this email today, Wednesday the 13th July but will be unable to send it to you until tomorrow afternoon due to the constraints of my present attendance at a workshop in Sydney), and after our situation has further deteriorated, as explained by my wife Bettina when she contacted David Milburn first thing today prior to your offer. Bettina informed him of our situation as it presently stands, whereby we have discovered mould on the chipboard floor and the carpet underlay in our three bedrooms. I have attached a copy of the email sent to David Milburn regarding our concerns. Please note that I attempted to send this email today but it was not delivered as I made an error with David’s email address, likely due to having to send it from a public library in Sydney. I will attempt resend it to David this afternoon.

I advise that we are at present unable to accept your offer dated 13th July 2011 regarding our liability claim against your client Simon Perry.

I have not as of yet received a copy of the report for the mould testing conducted at our property on the 27th of May 2011, despite requests from myself for this from Rebecca Pember (who was representing you whilst you were on leave), Brett Stephens from Ductclean and David Milburn. David Milburn once again reassured me, when I spoke to him by phone on the 12th of July 2011, that I would receive a copy of this report. My wife and I are quite concerned about verbal information provided to myself by David Milburn, as to the report indicating the existence of some toxic mould in our sub-floor area. A fact that you would be aware of. Given that there clearly visible evidence of mould in the bedrooms, we are extremely concerned about the nature of this mould and its potential impact on all of our health. We believe that we need to read this report in its entirety, when it is finally made available to us. This will allow us to make a fully informed decision, as to the suitability of any proposed restoration works, and if necessary to seek further advice in the event that we believe that such works would not adequately address the situation. I reiterate the need for Brett Stephens to conduct an internal quality air test to ascertain the nature of the mould present inside our house, particularly given David’s information regarding the toxicity of some of the sub-floor mould.

In addition to the above repeated request, I would also require a copy of the revised quote from Ductclean for $14,960, which you cite in your email today (13th of July 2011) which I am yet to receive. This revised quote provided by Ductclean, should outline the full detail of the proposed works they believe is necessary. Further to this, the detail contained should outline the nature of the restoration works they are proposing is necessary, in light of both our most recent and ongoing concerns, outlined in the attachment above. As well, I require an indication of any restoration works that are to be potentially omitted. This is given that Ductclean’s initial quote (dated the 22nd of March 2011) totalled $29,975 which is essentially double of the amount of the quote which you cite as of the 13th of July for $14,990. As any proposed restoration works by Ductclean, to effectively remedy the present situation inside of our home, are based on their initial visit around the 22nd March, and was in fact their only observation of the extent of the problem inside our home, we believe that these initial proposed works are unlikely to completely address the full nature of the extent of our mould problem as it exists today. Note, that at the time of Ductclean’s initial visit they were clearly informed of the presence of mould inside our home and were instructed by myself to quote in order to fully remedy our mould problem associated with the installation of the solar hot water system. The representative from Ductclean who attended our home distinctively noted the presence of mould inside our home as soon as he entered it, and made comment to the same affect. Ductlean’s representative at the time of his visitation to our home advised me that once the necessary restoration work was completed under our home that any associate problems inside my home would both cease to continue and to worsen. I questioned Brett Stephens regarding this advice and his proposed restoration works suggested in this initial quote and he assured me that this would be the case. Ductclean’s initial quote supports this, as they have not made any necessary allowance for any action inside my home, apart from the steam cleaning of the carpets. This is contrary to the information I was given over the phone on the 12th of July 2011 when Brett Stephens indicated that an internal air quality test would determine the nature of our internal mould problem. As well as suggesting that it be necessary to use dehumidifiers to draw out the excess moisture that is rising from the subfloor. I would suggest that whilst Ductcleans initial quote may have proposed suitable steps to rectify our situation as of the 22nd of March 2011, I believe that such proposed steps do not adequately address our mould problem as it presently exists. I reiterate that we never had a mould issue inside my home prior to the installation of the solar hot water system. David Milburn was also informed of the presence of mould inside our home at the time of his visit to our home, and of our desire to be restored to our original position. Our position which has not changed to this day.

Bettina has obtained further independent advice that given that mould is now clearly visible on the top and bottom surface of our chipboard floor that it may be necessary to replace all affected chipboard as well as carpets and underlay. Until a proper internal examination is conducted we cannot exclude the possibility of this and other potential costs.

We would be happy for the drying of the subfloor area to commence as soon as is possible to avoid any further deterioration of our situation. We would also insist on Ductclean making the necessary arrangements to attend our property and conduct appropriate assessment regarding our internal and sub-floor mould situation. Even though we are requesting for the drying of the soil to occur promptly, this does not mean that accept your offer, as we do not believe that with that such an offer we would be able to restore our home to its original condition before the installation of the solar hot water system.

As stated earlier I am presently attending a workshop in Sydney, and I am not freely available for contact during normal business hours. I will be available from home once again from this Saturday onwards.

Please don’t hesitate to contact me if you have any queries.

Regards

Jim Edmonds